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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,648	03/01/2002	Robert C. Mayer	CIEL:204	7880

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EXAMINER

KIM, ELLEN E

ART UNIT PAPER NUMBER

2874

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/087,648

Applicant(s)

MAYER ET AL.

Examiner

Ellen E Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what part of the "SONET metropolitan fiber optic network" is utilized in the system.

Claims 34 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34 recites the limitation "said method" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 35 recites the limitation "said second communication module" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 9, 14, 33, 35-51, and 53 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Doerr et al [USPAT 6,304,350].

Doerr et al disclose a fiber optic communication assembly and the method comprising an optical communication module 120 having a plurality of at least three fiber optic ports, a plurality of fiber optic conductors [104, 105, see fig. 1], wherein the second end of the first fiber optic conductor is configured to be disposed in remote physical relationship to the second end of the second fiber optic conductor [see element 106 is disposed in remote physical relationship to element 107].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10-11, 25, 26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doerr et al in view of Swirhun et al [USPAT 5,420,954].

In re claims 10 and 25, Doerr et al discloses every aspect of claimed invention except for the VCSEL array module. Swirhun et al disclose an optical interconnect showing VCSEL array module coupled to plurality of optical fiber conductors. It would have been obvious to the ordinary skilled person in the art at the time the invention was made to modify Doerr et al's device to include the VCSEL array module instead of WGR for the purpose of reducing misalignment [see column 3, lines 12-16].

In re claims 11 and 26, Doerr et al discloses every aspect of claimed invention except for the multiple fiber connectors. It would have been obvious to the ordinary skilled person in the art at the time the invention was made to modify Doerr et al's device to include the multiple fiber connectors for the purpose of transmitting the light signal in extended distanced area.

Claims 12 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doerr et al, and Swirhun et al as applied to claim 11 above, and further in view of Giebel et al [USPAT 5,971,624].

Doerr et al and Swirhun et al discloses every aspect of claimed invention except for the MTP connector. Giebel et al teach at column 1, lines 13-23 that MTP connector is utilized for the purpose of high precision. It would have been obvious to the ordinary skilled person in the art at the time the invention was made to modify the device to include the MTP connector for the purpose of high precision in the fiber connector.

Claims 13, 15-24, 28-29, 31-32, 34, 52, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doerr et al.

In re claims 13, 31, 52, and 55, Doerr et al discloses every aspect of claimed invention except for the density of about 0.1 inch per port. It would have been obvious to the ordinary skilled person in the art at the time the invention was made to modify Doerr et al's device to have the density of about 0.1 inch per port, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d272, 205 USPQ 215 (CCPA 1980).

In re claims 15-24, and 54, discloses the claimed invention except for the plurality of communication modules. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Doerr et al's device to include the plurality of communication modules so that the modules can be coupled to each other, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Further references of interest are cited on Form PLO-892, which is attachment to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen Kim whose telephone number is (703) 308-4946. The examiner can normally be reached on Monday and Thursday.

Ellen E. Kim
Primary Examiner
June 12, 2003/EK

A handwritten signature in black ink, appearing to be 'E. Kim', written over the printed name of the examiner.